

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

447J0252

CONFERENCE COMMITTEE ENGROSSED NO. **SB** **15** - 02/23/2004

Introduced by: The Committee on Local Government at the request of the Office of the
Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise certain miscellaneous procedures at the polling
2 place and to provide certain penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 12-15-9 be amended to read as follows:

5 12-15-9. Before performing election day duties, each precinct superintendent and precinct
6 deputy of the election and counting boards shall severally take an oath in the following form:
7 I, A.B., do solemnly swear (or affirm) that I will perform the duties of precinct
8 superintendent (or precinct deputy) according to law and the best of my ability and that I will
9 studiously endeavor to prevent fraud, deceit, and abuse and that I will act in an impartial manner
10 in conducting the election about to be held.

11 The members of the precinct election board may administer the oath to each other. The
12 person administering the oaths shall cause an entry thereof to be made and signed by the person
13 and prefixed to the pollbook. A violation of this oath is a Class 1 misdemeanor.

14 Section 2. That § 12-17B-7 be amended to read as follows:



12-17B-7. Before entering the voting booth, ~~each~~ any voter ~~shall be offered~~ may request instruction in the proper procedure for marking the ballot to ensure that the tabulating equipment is able to read the vote cast. No instructions may be given after the voter has entered the voting booth. No precinct official or person assisting a voter may in any manner request, suggest, or seek to persuade or induce any voter to cast a vote for any particular ticket, candidate, or measure to be voted on. All instructions shall be given in such a manner that it may be observed by other persons in the polling place.

Section 3. That § 12-18-6.1 be amended to read as follows:

12-18-6.1. ~~Before a person makes an application for ballots~~ When a voter is requesting a ballot, the voter shall present a valid form of personal identification. The personal identification that may be presented shall be either:

- (1) A South Dakota driver's license or nondriver identification card;
- (2) A passport or an identification card, including a picture, issued by an agency of the United States government;
- (3) A tribal identification card, including a picture; or
- (4) An identification card, including a picture, issued by a high school or an accredited institution of higher education, including a university, college, or technical school, located within the State of South Dakota.

Section 4. That § 12-18-9 be amended to read as follows:

12-18-9. Any person, except a candidate who is on the ballot being voted on at that polling place, may be present at any polling place for the purpose of observing the voting ~~and counting~~ process. Any person may be present to observe the counting process. A candidate who is on the ballot being voted on at a polling place may only be present to cast the candidate's vote during voting hours. A number of poll watchers shall be permitted for each candidate at a primary

1 election or political party and independent candidate at a general election pursuant to
2 § 12-18-8.1. ~~Poll watchers shall be allowed to position themselves~~ Each polling place shall be
3 arranged in a manner that permits each poll watcher to be positioned in a location where ~~they~~
4 the poll watcher can plainly see and hear what is done within the polling place, ~~and such polling~~
5 ~~place shall be arranged that poll watchers shall be so accommodated.~~